

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	CHAPTER 13
DAVID MATTHEW BANKS	:	
ANA ESTHER BANKS	:	CASE NO. 1:16-bk-04203
fka Ana Esther Velazquez,	:	
Debtors	:	
	:	
DAVID MATTHEW BANKS	:	
ANA ESTHER BANKS	:	
fka Ana Esther Velazquez,	:	
Movants	:	
	:	
	:	
v.	:	
	:	
MIDLAND FUNDING LLC,	:	
Respondent	:	
	:	

**MOTION TO AVOID JUDGMENT OF RESPONDENT
UNDER SECTION 522(f) OF THE BANKRUPTCY CODE**

COME NOW the Debtors, by and through Dorothy L. Mott, Esquire and make this Motion respectfully stating in support thereof:

1. The Debtors filed a Chapter 13 Petition on 10/10/2016.
2. The Debtors are adult individuals residing at 2432 Chadwick Court Harrisburg, PA 17110.
3. Respondent has a mailing address of C/O ENCORE CAPITAL GROUP INC, KENNETH A VECCHIONE PRESIDENT, 3111 CAMINO DEL RIO N STE 103, SAN DIEGO, CA 92108-5721.
4. The Respondent holds a judicial lien against the Joint Debtor in the amount of \$1,420.52 entered in Dauphin County at docket number # 2013 CV 5899.
5. The Debtors have listed all property the Debtors own on the Bankruptcy schedules.
6. All property listed by the Debtors has been exempted.
7. No one has challenged either the value of the property or the exemption claimed.
8. The Respondents do not have a purchase money security interest in household goods, or a possessory interest.

9. The judgment of the Respondent potentially stands to impair the exemption of the Debtors under Section 522(d) of the Bankruptcy Code. The judgment is a judicial lien.

10. The Debtors seek under Section 522(f) of the Bankruptcy Code to avoid the judgment of the Respondent.

WHEREFORE, the Debtors respectfully request that this Court enter an Order avoiding the aforesaid judgment under Section 522(f) of the Bankruptcy Code and granting such other relief as this Court deems just.

Respectfully submitted,

/s/ Dorothy L. Mott
Dorothy L. Mott, Esquire
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MIDLAND FUNDING LLC,	:	
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	:	

ORDER

UPON consideration of the foregoing Motion to Avoid Judgment of Respondent under Section 522(f) of the Bankruptcy Code , it is hereby

ORDERED AND DECREED that the relief prayed for in the Motion be, and hereby is granted, to wit, the judgment of MIDLAND FUNDING LLC in the approximate amount of \$1,420.52 entered in Dauphin County at docket number # 2013 CV 5899 be and hereby is avoided; it is further

ORDERED AND DECREED that a certified copy of this Order may be filed with the Prothonotary of Dauphin County and the Prothonotary is directed to terminate the judgment in the judgment indices.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):
Chapter:13

David Matthew Banks
Ana Esther Banks
fka Ana Esther Velazquez
Debtors

Case number:1:16-bk-04203
Matter: Motion to Avoid Lien

David Matthew Banks
Ana Esther Banks
fka Ana Esther Velazquez
Movants

vs,
MIDLAND FUNDING LLC
Respondent

NOTICE

NOTICE OF OPPORTUNITY TO OBJECT AND HEARING: Pursuant to Local Rule 2002-1(a), the Court will consider this motion, objection or other matter without further notice or hearing unless a party in interest files an objection/response within twenty-one (21) days of the date of the notice. If you object to the relief requested, you must file your objection/response with the Clerk, U. S. Bankruptcy Court, 228 Walnut Street, Third Floor, PO Box 908, Harrisburg PA 17108 and serve a copy on the movant and movant's attorney, if one is designated.

If you file and serve an objection/response within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

Date: December 29, 2016

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